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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,201	08/31/2000	Whittle Bryan	00479.00013	4705

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EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,201

Applicant(s)

BRYAN ET AL.

Examiner

Moustafa M Meky

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-30, 32-36, 38-41, 44 and 45 is/are rejected.
- 7) ☒ Claim(s) 31, 37, 42, 43 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2157

1. The amendment filed 10/13/2004 has been entered and considered by the examiner in which the original claims 1-26 have been cancelled.

2. Claims 27-46 are presenting for examination.

3. Claim 38 recites the limitation "two of the interconnect providers" in lines 1-2.

There is insufficient antecedent basis for this limitation in the claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 27-30, 32-36, 38-41, and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurren (US Pat. No. 6,788,681) which has the priority date of March 16, 1999.

6 As to claim 27, Hurren shows in Fig 2A, a system for interconnecting a plurality of virtual private networks VPNs 12, 14, 16, the system comprising:

* a plurality of virtual private networks VPNs 12, 14, 16, each of them inherently (actual VPN operating environment will typically include multiple service providers) having multiple service providers (not shown in the Fig), see col 6, lines 62-65;

- at least one interconnect provider 20 configured to connect the VPNs 12, 14, 16, see col 6, lines 65-66;

Art Unit: 2157

- a global overseer 18A inherently configured to ensure end-to-end service quality across VPNs 12 & 14 (the global 18A is an exchange point operator EPO that interconnects the two VPNs 12 & 14. Therefore, the EPO 18A would follow the standards/metrics of the TEL-2 02.00 publication in which the global 18A would ensure and satisfy end-to-end quality requirements across the two VPNs 12 & 14, see the Declaration under 1.132 filed by the applicant on 10/13/2004).

7. As to claim 28, the end-to-end service quality across the VPNs 12 & 14 inherently includes maintaining minimum standards for cross network services, as part of the services of the EPO 18A that follows the standards/metrics of the TEL-2 02.00 publication, see the Declaration under 1.132 filed by the applicant), see col 8, line 67- col 9, lines 1-24.

8. As to claim 29, the end-to-end service quality across the VPNs 12 & 14 inherently includes maintaining the minimum standards from a first subscriber of one VPN to a second subscriber of another VPN as part of the services of the EPO 18A that follows the standards/metrics of the TEL-2 02.00 publication, see the Declaration under 1.132 filed by the applicant), see col 8, lines 67-col 9, lines 1-24.

9. As to claim 30, the end-to-end service quality across the VPNs 12 & 14 inherently includes maintaining packet latency, as part of the services of the EPO 18A that follows the standards/metrics of the TEL-2 02.00 publication, see the Declaration under 1.132 filed by the applicant), see col 8, lines 67-col 9, lines 1-24.

10. As to claim 32, the end-to-end service quality across the VPNs 12 & 14 inherently includes maintaining an operable connection within a max. acceptable period

of unavailability between a first subscriber of one VPN to a second subscriber of a second VPN as part of the services of the EPO 18A that follows the standards/metrics of the TEL-2 02.00 publication, see the Declaration under 1.132 filed by the applicant), see col 8, lines 67-col 9, lines 1-24.

11. As to claims 33 & 36 each VPN comprises a program overseer 24 (see Fig 3, col 9, lines 15-16) inherently configured to ensure end-to-end service quality across its corresponding VPN and to resolve disputes between providers within its VPN that follows the standards/metrics of the TEL-2 02.00 publication, see the Declaration under 1.132 filed by the applicant.

12. As to claims 34-35, the global overseer is inherently configured to resolve disputes between ones of program oversees 24 and between one of the program overseer 24 and the interconnect provider 20 that follows the standards/metrics of the TEL-2 02.00 publication, see the Declaration under 1.132 filed by the applicant.

13. As to claim 38, the interconnect provider 20 services different VPN 16 in addition to the two VPNs 12 & 14, see Fig 2A.

14. As to claims 39-40, wherein the end-to-end quality inherently includes a quantified end-to-end service quality level that follows the standards/metrics of the TEL-2 02.00 publication, see the Declaration under 1.132 filed by the applicant.

15. As to claim 41, the claim is similar in scope to claim 27, and it is rejected under the same rationale.

16. As to claim 44, providing one exchange point 24 between the first set of providers within VPN 12 and the interconnect provider 20, see Fig 2A.

Art Unit: 2157

17. As to claim 45, providing another exchange point 24 between the second set of providers within VPN 14 and the interconnect provider 20, see Fig 2A.

Therefore, it can be seen from paragraphs 6-17 that Hurren anticipates claims 27-30, 32-36, 38-41, and 44-45.

18. Claims 31, 37, 42-43, and 46 are dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18.1. The prior art of record does not teach:

- end-to-end service quality across multiple ones of the plurality of VPNs includes maintaining the number of multiple service providers below a maximum acceptable number between a first subscriber of one VPN to a second subscriber of another VPN (claim 31);
- pays a fee to the global overseer for maintaining the global overseer and the interconnect provider pays a fee to the global overseer for certification (claim 37);
- the interconnect provider is also one of the multiple service providers within at least one of the VPNs (claim 42);
- the step of certifying the at least one interconnect provider by the global overseer (claim 43); and
- a maximum number of the multiple service providers between two of the subscribers is two and the maximum number of the multiple service providers

and the interconnect provider between subscribers of different VPNs is three (claim 46).

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
March 11, 2005


MOUSTAFA M. MEKY
PRIMARY EXAMINER